

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.
---

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re C.H., a Person Coming  
Under the Juvenile Court Law.

2d Juv. No. B291668  
(Super. Ct. No. MJ21573)  
(Los Angeles County)

THE PEOPLE,

Plaintiff and Respondent,

v.

C.H.,

Defendant and Appellant.

C.H. appeals from the juvenile court's postjudgment order denying his request to seal records pertaining to Welfare and Institutions Code<sup>1</sup> section 602 petitions that were filed and subsequently dismissed. (§ 786, subd. (e).) We vacate the order and remand.

---

<sup>1</sup> All further unlabeled statutory references are to the Welfare and Institutions Code.

## FACTUAL AND PROCEDURAL HISTORY

On July 9, 2012, prosecutors filed a section 602 petition alleging that C.H. committed petty theft. (Pen. Code, § 484, subd. (a).) The juvenile court found the allegation true and ordered C.H. placed at home on probation for six months. It revoked probation four months later.

On December 10, 2012, prosecutors filed a petition alleging that C.H. committed battery. (Pen. Code, § 242.) Two months later, prosecutors filed a petition alleging that C.H. committed vandalism (Pen. Code, § 594, subd. (a)) and possessed tools to commit vandalism (Pen. Code, § 594.2, subd. (a)). Pursuant to a settlement agreement, C.H. admitted the vandalism allegation, and the juvenile court dismissed the vandalism tools allegation, the July 2012 petition, and the December 2012 petition. The court ordered C.H. placed at home on probation.

On September 10, 2015, prosecutors filed a petition alleging that C.H. committed first degree residential burglary. (Pen. Code, § 459.) C.H. admitted the allegation. The juvenile court ordered him suitably placed in an out-of-state group home.

At the 12-month permanency hearing, the probation officer reported that C.H. made acceptable progress toward his goals and should be returned to the community. The juvenile court agreed. It terminated the suitable placement order, ordered C.H. released, and terminated jurisdiction. The court denied C.H.'s request to have his record sealed, however. It was unsure if a suitable placement order qualified for sealing pursuant to subdivisions (a) and (c) of section 786.

C.H. appealed the order denying his request for sealing. We determined that the record was unclear whether

C.H. substantially complied with the terms of his probation: While the juvenile court stated that C.H. would “no longer have to report to [his] probation officer” or return to court, the minute order from the permanency hearing stated that C.H. did not successfully complete probation. We remanded the case with directions that the court: (1) determine whether C.H. successfully completed probation, and, if so, (2) order all records related to the September 2015 petition sealed. (*In re C.H.* (June 21, 2017, B278126) [nonpub. opn.] )

At the June 2018 remand hearing, the juvenile court found that C.H. substantially complied with the terms of his probation, and ordered the records sealed. It denied C.H.’s request to seal the records related to the July 2012 and December 2012 petitions because he did not substantially comply with the terms and conditions of probation as to those petitions.

#### DISCUSSION

C.H. contends, and the Attorney General concedes, that the juvenile court erred when it denied his request to order the records related to the petitions filed in July 2012 and December 2012 sealed. We agree. (*In re W.R.* (2018) 22 Cal.App.5th 284, 291-292.)

Effective January 1, 2018, if the juvenile court dismisses a section 602 petition, “the court shall order sealed all records pertaining to the dismissed petition in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice.” (§ 786, subd. (e).) Here, as part of a February 2013 settlement agreement, the court dismissed the July 2012 and December 2012 petitions. C.H. requested sealing of the records related to those petitions in June 2018. Because he made his request after

the effective date of section 786, subdivision (e), C.H. is entitled to have the records sealed. (*In re W.R.*, *supra*, 22 Cal.App.5th at p. 294.) His compliance with the terms and conditions of probation as to those petitions is not relevant.

#### DISPOSITION

The juvenile court's order denying C.H.'s request to seal records related to the section 602 petitions filed July 9, 2012, and December 10, 2012, is vacated, and the matter is remanded with directions that the court enter a new and different order sealing the records related to those petitions.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Denise M. McLaughlin-Bennett, Judge

Superior Court County of Los Angeles

---

Steven A. Torres, under appointment by the Court of  
Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler,  
Chief Assistant Attorney General, Lance E. Winters, Senior  
Assistant Attorney General, Paul M. Roadarmel, Jr., Supervising  
Deputy Attorney General, Stephanie A. Miyoshi, Deputy  
Attorney General, for Plaintiff and Respondent.